IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

MFA.No. 879 of 2000(B)

OPMV.641/1992 of ADDL. MOTOR ACCIDENT CLAIMS TRIBUNAL, PALAKKAD
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APPELLANT:

JOHNSON, S/O. KOCHAPPAN, RESIDING AT VELUKARAN HOUSE, VRINDABUN ROAD, CHIYYARAM, P.O. KURIACHIRA, THRISSUR.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON

RESPONDENTS:
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1. MADHAVI VELAYUDHAN, W/O. VELAYUDHAN NAIR, RESIDING AT NEERUKUTTY HOUSE, SREE NILAYAM, P.O. KUNDALIYOOR, THRISSUR.

2. VINCENT, S/O. JOSE, RESIDING AT PUDUSSERY HOUSE, CHANTHAPPADI, ENGANDIYOOR, THRISSUR.

3. THE NEW INDIA ASSURANCE COMPANY LIMITED, KUNNAMKULAM, THRISSUR.

BY ADV. SRI.KKM.SHERIF FOR R3

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.Koshy & V. Giri, JJ.
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M.F.A.No.879 of 2000
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Dated this the 23rd day of August, 2007.

JUDGMENT

Koshy, J.

Claimant met with an accident at the age of 31. According to him, he was getting a monthly income of Rs.1,000/-. The accident occurred on 19.10.1991. He was a passenger in a tempo van, a goods vehicle. Therefore the Insurance Company was rightly exonerated. He produced Ext.A5 disability certificate certifying 10% permanent disability. The Tribunal has seen the claimant and found that there is only 5% disability. The injury sustained was only fracture of right femur. The Tribunal also notice that even though it is contended that there is shortening, there is no visible disability for walking.

2. In the above circumstances, the disability may not affect the work as a plumber. Total compensation awarded was Rs.20,200/- with 12% interest. The accident took place on 18.2.1992. The award was passed only in 1998. Considering

the nature of the injury, the total compensation granted and the rate of interest awarded by the Tribunal, we are of the view that no interference is required.

Appeal is dismissed.

J.B.Koshy,
Judge.

V.Giri,
Judge.

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